

PATENT

Serial No. 10/517,918

Amendment in Reply to Office Action mailed on July 16, 2008

REMARKS

This Amendment is being filed in response to the Office Action mailed on July 16, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2, 4-12 and 14-32 remain in this application, where claims 3 and 13 had been canceled and claims 1-2, 7, 11-12, 14, 16, 19, 21-22, 24-25, 26-27, 28-29 and 31 are independent.

In the Office Action, the Examiner indicated that claims 2, 7, 12, 16, 21, 24, 26 and 28 would be allowable if rewritten in independent form. Applicant gratefully acknowledges the indication that claims 2, 7, 12, 16, 21, 24, 26 and 28 contain patentable subject matter. By means of the present amendment, claims 2, 7, 12, 16, 21, 24, 26 and 28 have been rewritten in independent form. Accordingly, it is respectfully requested that independent claims 2, 7, 12, 16, 21, 24, 26 and 28 be allowed.

In the Office Action, claims 1, 4-6, 14-15, 17-20, 22-23, 25,

27 and 29-32 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,751,669 (Shirato). Further, claims 8-10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shirato in view of U.S. Patent No. 6,456,584 (Nagata). It is respectfully submitted that claims 1, 4-6, 8-10, 14-15, 17-20, 22-23, 25, 27 and 29-32 are patentable over Shirato and Nagata for at least the following reasons.

Shirato is directed to an over-writable magneto-optical recording method in which the recording medium is cooled after irradiation. As shown in FIGs 12(c), two write power levels  $P_{W0}$  and  $P_W$  are used, as well as two erase power levels  $P_{E0}$  and  $P_E$ . The write and erase power levels have bias levels, namely,  $P_{WB}$  and  $P_{EB}$ . A further bias level is also provided.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 11, amongst other patentable elements, recites (illustrative emphasis provided) :

wherein said erase radiation beam between two successive sequences of pulses for writing marks consists of three erase periods, wherein said erase radiation beam has a first erase power level for a

first erase period followed by a second erase power level higher than said first erase power level for a second erase period followed by a third erase power level lower than said second erase power level for a third erase period.

Further, the present invention as recited in independent claim 14, and similarly recited in independent claims 19, 22, 25, 27, 29 and 31, amongst other patentable elements, recites (illustrative emphasis provided) :

wherein said erase radiation beam has a first erase power level for a first erase period followed by a second erase power level higher than said first erase power level for a second erase period followed by a third erase power level lower than said first erase power level for a third erase period.

In addition, the present invention as recited in independent claim 29, and similarly recited in independent 31, amongst other patentable elements, recites (illustrative emphasis provided) :

wherein the recorded marks represent data including a high period and a low period, and wherein the erase radiation beam includes pulses that substantially fill the low period, wherein a second pulse of the pulses of the erase radiation beam has a higher level than a first pulse and a third pulse of the erase radiation beam, the first pulse and the third pulse of the erase radiation beam having different power levels.

Three erase pulses are nowhere disclosed or suggested in

Shirato. Rather, Shirato merely discloses two erase pulses. The  $P_{IB}$  and  $P_{EB}$  power levels shown in FIG 12(c) are not additional erase pulses, but are rather bias levels to either cool or prevent too much cooling. For example, column 12, lines 11-16 specifically recite:

proper bias power  $P_{WB}$  or  $P_{EB}$  has been applied, so that the region heated just before is not cooled to a temperature of  $T_3$ , or lower for a period of time until the subsequent pulse is irradiated. Therefore, the recording mark in the region in which the recording process occurred remains. (Emphasis added)

That is, bias power  $P_{EB}$  does not erase anything, as the mark remains. Shirato merely discloses two erase pulses, and does not even disclose or suggest three erase pulses, let alone the particular relationship among the three pulses as recited in independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31. Nagata is cited to allegedly show other features and do not remedy the deficiencies in Shirato.

Accordingly, it is respectfully submitted that independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 4-6, 8-10, 15, 17-18, 20, 23,

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30 and 32 should also be allowed at least based on their dependence from independent claims 1, 14, 19, 22, 29 and 31.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

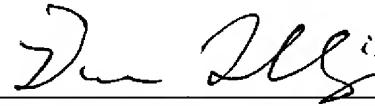
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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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